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DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			JARRETT, SCOTT L	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,152

Applicant(s)

BASSON ET AL.

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method for training speaker dependent voice recognition software.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings submitted are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result.

Regarding Claims 1-10, Claims 1-10 only recite an abstract idea. The recited method for promoting the use of a product having an adaptation module does not apply, involve, or use the technological arts since all of the recited steps can be performed in

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the mind of the user or by use of a pencil and paper. The claimed invention, as a whole, is not within the technological art as explained above claims 1-10 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 11, 15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kahn, Jonathan et al., U.S. Patent No. 6,122,614.

Regarding Claims 1 and 11 Kahn et al. teach a product having an adaptation module (Abstract). More generally Kahn et al. teach a system and method for automating transcription services (product) wherein a plurality of pre-recorded audio files, associated with individual users, are accessed and processed by a speech recognition/conversion subsystem (having an adaptation module) resulting in a textual representation of the audio files (speech conversion; Abstract; Figures 1 and 3 as shown below; Figures 2a-2d). Kahn et al. further teach that the system provides both

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manual and automatic means for training (adapting) the voice recognition/conversion subsystem utilizing the pre-recorded audio files (sample data; Abstract; Column 2, Lines 66-68 and Column 3, Lines 1-8).

More specifically Kahn et al. teach that the transcription automation system (product having an adaptation module) further comprises a voice recognition/conversion subsystem having an adaptation (training, customization, personalization, initialization, etc.) module, as well as the training of the voice recognition/conversion subsystem (adaptation module) for a plurality of users wherein (Abstract; Column 1, Lines 28-68; Column 2, Lines 8-68; Column 3, Lines 1-8 and 25-68; Column 4, Lines 1-40; Column 6, Lines 16-22 and 43-68; Column 8, Lines 52-68; Column 9, Lines 6-25; Column 10 Lines 48-57; Figure 1 as shown below; Figures 2a-3):

- sample data of a person is provided (pre-recorded audio, "receiving a voice dictation file"; Column 3, Lines 37-63);
- the persons pre-recorded audio (the sample data associated with the person) is loaded into the system (loaded, utilized, etc.; Column 3, Lines 45-63; Figure 3, *.wav); and
- using the sample data to adapt (train) the product to the person utilizing the adaptation of the product ("The training means also comprise a preexisting training portion of the preexisting speech recognition program." Column 3, Lines 1-8 and 39-64).

Kahn et al. further teach that products with adaptation modules (i.e. voice recognition/conversion products, systems and methods) are commercially available and well known in the art; one example being the Naturally Speaking product from Dragon

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systems wherein the system provides a "mobile training" feature that feeds user data (audio and verbatim files) into the Naturally Speaking product in order to train/adapt the product for a particular user (Column 8, Lines 52-68).

Kahn et al. further teach it is the object of the invention (product having an adaptation module, system for automating transcription services) to expedite the training of speech recognition systems (make transparent; Column 1, Lines 28-30).

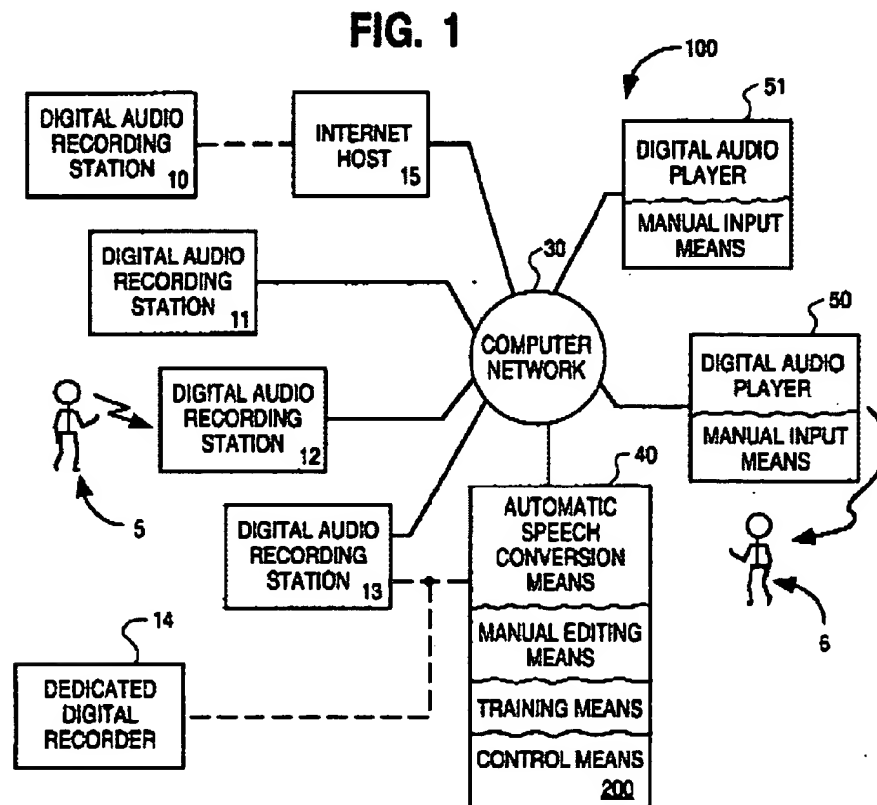


Figure 1: Kahn et al., Figure 1

Regarding Claim 2 Kahn et al. teach that the system and method for automating transcription services (product having adaptation module) comprises: adapting/training

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of the voice recognition/conversion subsystem (adaptation module); supporting a plurality of persons (users) for whom the product is adapted/trained (Column 1, Lines 58-68; Figures 2a, Element 206; Figure 2d, Element 601; Figure 3).

Regarding Claim 3 Kahn et al. teach that the sample data (pre-recorded audio files, voice dictation file) was created prior to the adaptation (training) of the voice recognition/conversion subsystem (adaptation module; Column 1, Lines 58-68; Column 6, Lines 16-22; Column 8, Lines 55-68; Figures 1, 2b and 2c).

Regarding Claim 15 Kahn et al. teach that the method and system for automating transcription services (product having an adaptation module) further comprises a plurality of user information and the ability to transmit a plurality of information to the user of the system (e.g. the completed written file; Figure 2d, Element 604; Claim 24) wherein the data associated with a person includes contact information (name, address; e.g. email address or other such means for transmitting/contacting the user via the Internet; Column 6, Lines 43-55; Column 10, Lines 52-57; Figure 2d).

Regarding Claim 17 Kahn et al. teach a system and method for the automation of transcription services (product with adaptation module) further comprising the adaptation of a voice recognition/conversion subsystem (adaptation module) utilizing pre-recorded audio files associated with the person for whom the system is being trained (adapted) as discussed above.

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4, 6-7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al., U.S. Patent No. 6,122,614 as applied to claims 1-3, 11, 15 and 17 above.

Regarding Claim 4 Kahn et al. teach a method and system for automating the transcription services (product having an adaptation module) further comprising a subsystem for training the adaptation module (voice recognition/conversion subsystem) as discussed above. Kahn et al. further teach selecting a user from a plurality of users (Column 3, Lines 37-64; Column 7, Lines 55-61; Column 8, Lines 28-40; Figure 2a, Element 206; Figure 2d, Element 601) as well as the storage (saving) of a plurality of user information related to the transcriptions and the training of the voice recognition subsystem (user profile, saving speech files, audio recordings, audio transcription files, written text, etc.; Column 1, Lines 58-68; Column 7, Lines 21-62; Column 8, Lines 28-40; Figures 1 as shown above, 3 and show below; Figures 2 and 4).

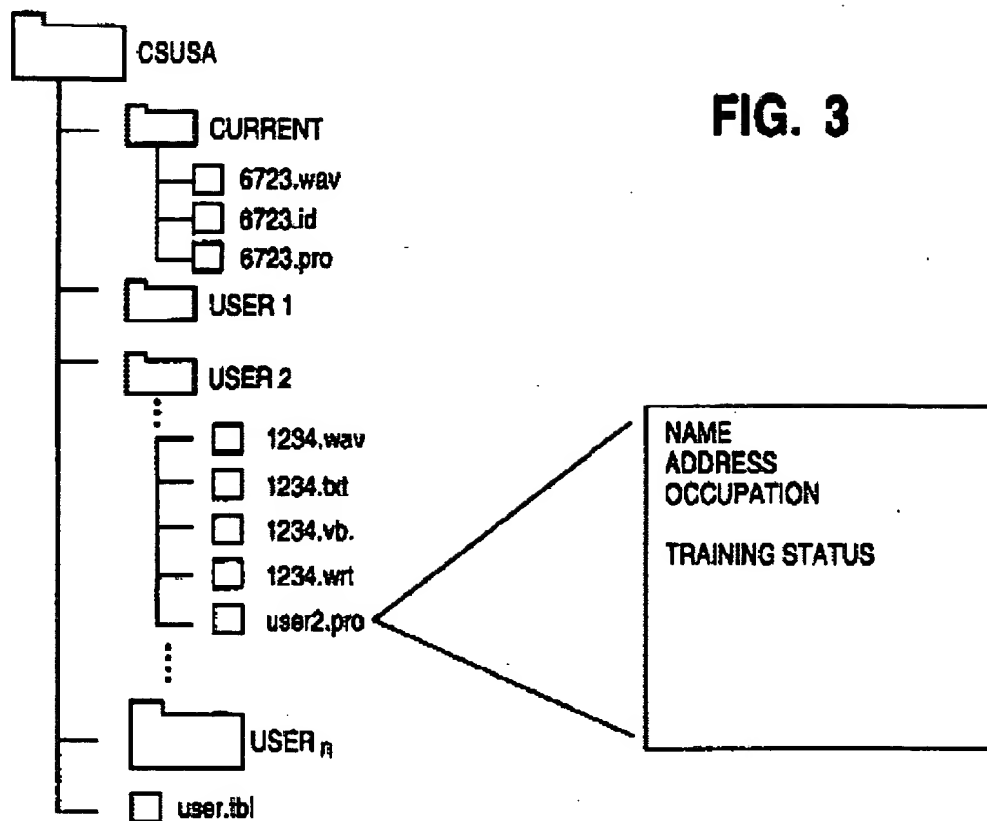


Figure 2: Kahn et al., Figure 3

Kahn et al. does not expressly teach selecting the person for whom the voice recognition product is to be trained for from a database as claimed.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et

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al. further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information would have utilized a database to store, access and manage a plurality of information; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Regarding Claim 6 Kahn et al. teach a method and system for automating transcription services (product having an adaptation module), the system containing a voice recognition/conversion subsystem (adaptation module) and further comprising (Column 1, Lines 58-68; Column 7, Lines 21-62; Column 8, Lines 28-40; Figures 1-2, 3 as shown above and 4):

- accessing a data store (file system, directories) wherein the data store contains (stores) a plurality of information for a plurality of users (audio files, transcription files, written text, etc.; Column 9, Lines 15-25; Figure 3);
- selecting a person from among a plurality of users (Column 3, Lines 39-45; Column 6, Lines 34-35; Figure 2a, Element 206; Figure 2D, Element 601);
- receiving the information associated with the person (user profile; Figures 2a and 3); and
- accessing the retrieved sample data (Figures 2a and 3).

While Kahn et al. teach that the product enables users to select the user for whom the product is to be trained Kahn et al. does not expressly teach selecting the

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user for whom the product is to be trained for from a database or that the product includes instructions for utilizing the system as claimed.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et al. further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information would have utilized a database to store, access and manage a plurality of information; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Official notice is taken that the inclusion of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) is old and very well known in the art ensures users of the product can successfully and properly utilize the system.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services (product having an adaptation module), further comprising a voice recognition/conversion training subsystem (adaptation module) would have provided a plurality of instructional

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information (training) including but not limited to instructions on how to access the sample data in order to assist users in utilizing the system effectively and properly; the resultant system being easier to use.

Regarding Claim 7 Kahn et al. teach that users of the system for automating transcription services progress through several phases (stages, usage patterns, training status, enrollment status) wherein the system tracks and stores a user's progress (use of the product/system, stored in the user profile, training status). Kahn et al. further teach that this usage information is utilized by the system in determining the appropriate level of automation (Column 3, Lines 13-68; Column 4, Lines 1-15; Column 10, Lines 43-57; Figures 2b, 2c).

Kahn et al. does not expressly teach storing information in a database as claimed.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et al. further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information would have utilized a database to store, access and

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manage a plurality of information including but not limited to user tracking data; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Regarding Claim 12 Kahn et al teach that the system for automating transcription services (product having an adaptation module) comprises several recording instruments (machines, devices) and a plurality of information associated with those recording devices, including but not limited to sample data (pre-recorded audio files, transcription files, etc.) stored in a file system (data store) consisting of a plurality of directories/sub-directories and that this information is associated with each user of the system (Figure 1, Elements 10-14 as shown above; Figure 3 as shown above).

Kahn et al. does not expressly teach the utilization of a database to store the plurality of user information utilized by the system.

Official notice is taken that storing a plurality of information (data) in a database enables convenient access to stored information and is old and well known in the art.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services as taught by Kahn et al. further comprising a voice recognition/conversion training subsystem and its ability to store a plurality of user information in a data store would have utilized a database to

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store, access and manage a plurality of information including but not limited to sample data associated with users; the resultant system providing for the convenient and efficient storing and accessing of user and other relevant information.

Regarding Claim 16 Kahn et al. does not teach the availability of instructions for using the product as discussed above.

Official notice is taken that the inclusion of instructions on how to use a system (software product, help files, tutorials, training manual, sample files, and the like) is old and very well known in the art and ensures users of the product can successfully and properly utilize the product/system.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcription services (product with adaptation module), further comprising a voice recognition/conversion training subsystem (adaptation module) would provide a plurality of training and other instructional information including but not limited to instructions on how to record sample user data, in order to assist users in utilizing the system effectively and properly; the resultant system being easier to use.

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9. Claims 5, 8-10, 13-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al., U.S. Patent No. 6,122,614 as applied to claims 1-4, 6-7, 11-12, 15-17 above, and further in view of Zyman et al., U.S. Patent Publication No. 2003/0033192.

Regarding Claim 5 and 14 Kahn et al. teach a product having an adaptation module as discussed above. Further Kahn et al. implicitly teach the marketing of the system for automating transcription services (e.g. sought U.S. Patent).

Kahn et al. does not expressly teach the specific marketing (promoting, advertising or the like) method to be used in marketing the product (automated transcription system) or subsequently the identification of a plurality of products to be promoted or the selection of a person to promote the selected product.

Zyman et al. teach a system and method for marketing any of a plurality of products, the identification of a plurality of products to be promoted and the selection of a person (endorser) to promote the selected product (Abstract; Table 1). Zyman et al. further teach that "marketing is an essential aspect of any successful business" (Paragraphs 0002-0003) and that many business are unable to perform marketing effectively.

Zyman et al. teach a system and method for strategic marketing planning, execution and evaluation of marketing initiatives wherein the marketing investment

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management system enables users to identify a plurality of products (services, goods, capabilities) that are available for promotion (development, sale, advertising, marketing, etc.), selecting the product(s) to be promoted and selecting the person to promote the selected product (endorsement tool; Abstract; Paragraphs 0054; Table 1, Elements 7, 11, 13, 17 and 20).

More generally Zyman et al. teach a comprehensive marketing planning, execution and evaluation system (marketing investment manager) comprising of a plurality of tools (subsystems) including but not limited to advertising, promotion, research, endorsements, merchandising, media, public relations, sales, pricing, promotions director, performance assessment, marketing planner, marketing execution, brand builder, digital asset management and customer relationship management (Paragraphs 009, 0010, 0011, 0054-0057, 0068, 0106-0108, 0111; Figures 1 and 37 as shown below; Table 1).

Further Zyman et al. teaches that the marketing investment management system:

- provides for the personalization of the tool (Paragraphs 0088-0091), a plurality of learning resources (help files, courses, Zlearning, instructions, etc.; Paragraphs 0076-0077, 0107);
- can be utilized by a plurality of users (Paragraphs 0068-0070, 0119) and other service providers (application service provider),
- is a multi-tiered application including but not limited to a plurality of databases (Paragraphs 0073-0074); and

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- that the system captures contact and other marketing project information

(Paragraphs 0098-010).

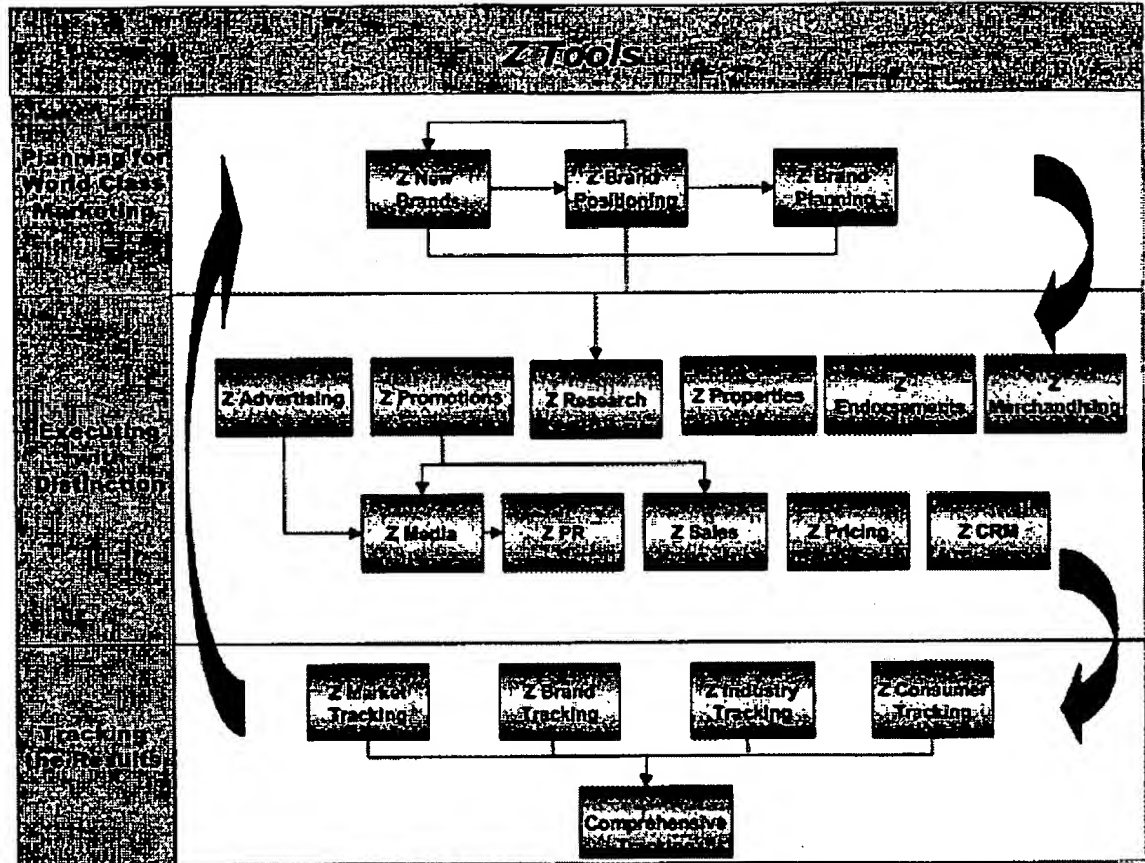


FIGURE 1

Figure 3: Zyman et al., Figure 1

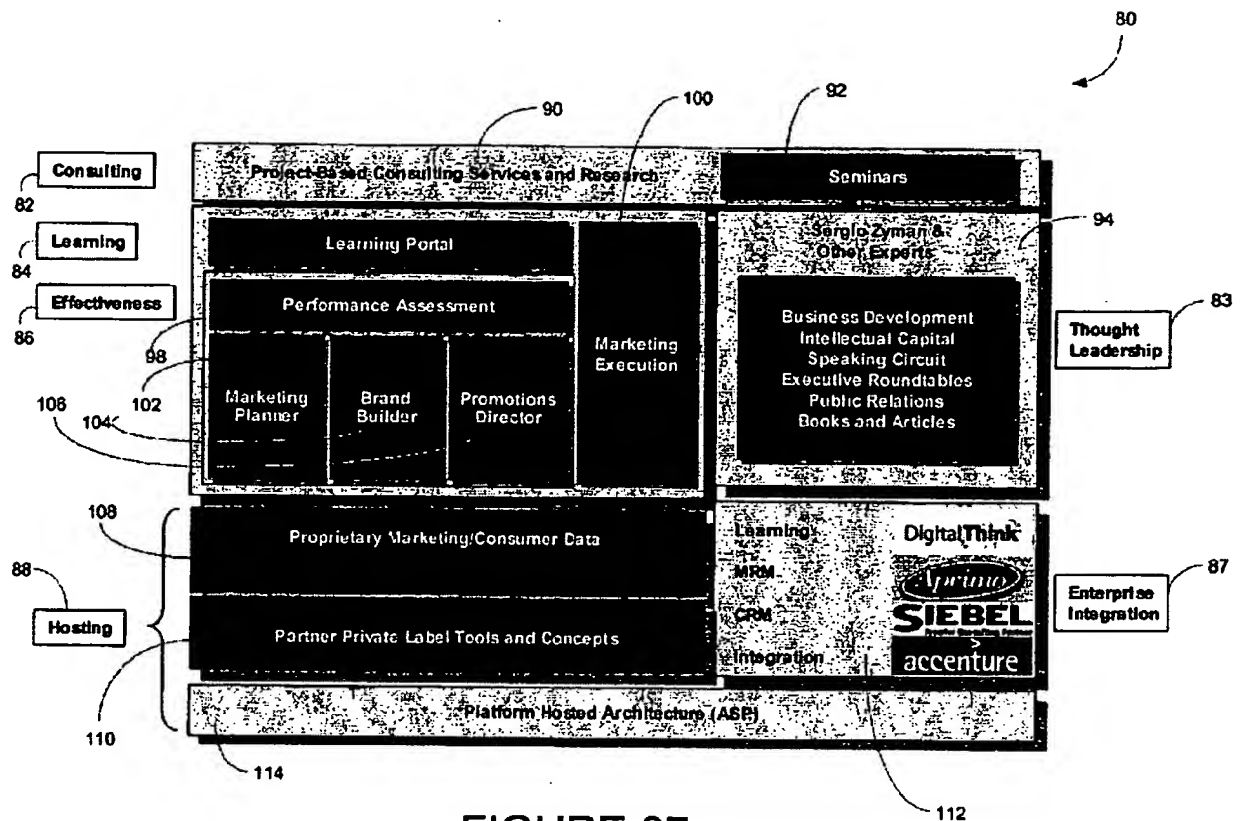


FIGURE 37

Figure 4: Zyman et al., Figure 37

Zyman et al. further teach that the endorsement tool enables the user to determine whether celebrity endorsements should be part of the comprehensive marketing strategies and plans for promoting a product and enables the user to screen/select endorsements that are consistent with the product's marketing strategies and plans (Table 1, Element 11; Figure 1).

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcriptions services (product having an

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adaptation module), the system containing a voice recognition/conversion subsystem and its ability to significantly reduce the amount of training required for a voice recognition product having an adaptation module, would have marketed its product and utilized the marketing investment management system, with its ability to identify, plan, execute and evaluate comprehensive marketing programs including but not limited to product promotion, celebrity endorsements and the like, to promote the sale and/or use of the system for automating transcription services in view of the teachings of Zyman et al. The resulting system providing a comprehensive marketing for the product with an adaptation module including but not limited to the planning, executing and evaluation of the promotion of the product (automatic transcription system) that was pre-trained (adapted) for use by a user through the use of pre-recorded audio files.

Regarding Claim 8 Kahn et al. teach that the system and method for automating transcription services (product having an adaptation module) provides a means for obtaining or storing feedback (evaluation of the accuracy of the conversion, track/stores and utilizes user's progress/status (phase, stage; Column 2, Lines 61-65; Column 3, Lines 9-64; Column 10, Lines 7-47; Figure 4).

Kahn et al. does not expressly obtaining feedback data explicitly from the person utilizing the product or the subsequent utilization of a database to store such information.

Zyman et al. teach a comprehensive marketing strategy, planning, execution and evaluation system that utilizes a plurality of databases to store and access a plurality information as discussed above. Zyman et al. further teach that a plurality of information that is collected as part of the evaluation of the marketing plans and executions is fed back into the planning tools (Paragraph 0010) and that the system supports real-time collaboration (feedback) between a plurality of people involved in particular marketing projects (e.g. feedback/collaboration with the person(s) utilizing the product having an adaptation module; Paragraphs 0102. 0112-0113).

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcriptions services (product having an adaptation module) further comprising the tracking/storing of user usage information (feedback) would utilize the marketing investment management system, with its ability to identify, plan, execute and evaluate comprehensive marketing programs, specifically the systems enablement of collaboration between a plurality of users, in view of the teachings of Zyman et al. The resulting system and method providing a comprehensive means for planning, executing and evaluation the promotion of a voice recognition/conversion product (system) by incorporating feedback (lessons learned, information) from the person or persons utilizing the system.

Regarding Claim 9 Kahn et al. does not teach the advertising of the system as claimed.

Zyman et al. teach a comprehensive marketing strategy development, planning, execution and evaluation system and method as discussed above. More specifically Zyman et al. teach the advertising, promotion and marketing of a plurality of products and further that those advertising, promotion and marketing efforts are based on feedback tracked and received from users of the product (sales; Abstract; Paragraphs 0010, 0085; Table 1).

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcriptions services (product having an adaptation module) would have marketed the product and utilized the marketing investment management system, with its ability to identify, plan, execute and evaluate comprehensive marketing programs including but not limited advertising, to advertise the system for automating transcription services in view of the teachings of Zyman et al. The resulting system and method providing for the comprehensive planning, executing and evaluation the advertising (promotion) of a product having an adaptation module (transcription services automation system).

Regarding claim 10 and 18 Kahn et al. does not teach the identification of new users via the scanning of publicly available materials as claimed.

Zyman et al. teach a comprehensive marketing strategy, planning, execution and evaluation system and method further comprising an endorsements tool as discussed above.

While Zyman et al. teach that the endorsement tools provides an endorsement strategy, endorsement screening approach, concept development and validation, results measurement approaches and execution planning templates Zyman et al. is silent on the method for finding potential endorsers or the collection of information on the potential endorsers.

It would have been obvious to one skilled in the art at the time of the invention that the method and system for automating transcriptions services (product having an adaptation module), the system containing a voice recognition/conversion subsystem and its ability to significantly reduce the amount of training required for a voice recognition product having an adaptation module through the use of pre-recorded audio (sample date) would have marketed the product and utilized the marketing investment management system, with its ability to identify, plan, execute and evaluate comprehensive marketing programs including but not limited to product promotion, celebrity endorsements and the like, to promote the sale and/or use of the system for automating transcription services in view of the teachings of Zyman et al. The resulting system and method providing for the comprehensive planning, executing and evaluation the promotion of a voice recognition/conversion product (system) that was pre-trained

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(adapted) for use by the endorser (selected person, user) through the use of pre-recorded audio files.

Official notice is taken that there exists a plurality of means for identifying potential product endorsers and that the scanning of publicly available data (newspapers, magazines, internet, television, etc.) would have been (and is) one of the least costly ways to obtain potential endorser information as good endorsers (those who are well known, are famous or have celebrity status) are frequently "written" about in newspapers, television, books, internet sites and the like. Further many of these publicly available resources are stored in databases (e.g. Amazon.com, Yahoo!, MSN.com, Library of Congress, etc.).

It would have been obvious to one skilled in the art at the time of the invention the system for automating transcription services, the system including a voice recognition/conversion subsystem, as taught by Kahn et al. would have marketed the product, utilized a plurality of marketing methods/approaches and utilized the marketing investment management system, with its ability to manage the complete endorsement process from finding/identifying an endorsement to managing the promotional and advertising campaigns with that endorser in view of Zyman et al.; the resultant system and method providing for the comprehensive planning, executing and evaluation the promotion of a product having an adaptation module (transcription service automation system).

Regarding Claim 13 Kahn et al. does not teach the selection of a product to be promoted or the subsequent retrieval of product information.

Zyman et al. teach a comprehensive marketing investment management system wherein products (services, good, etc.) are identified, defined and eventually promoted/advertised as discussed above. More specifically Zyman et al. teach that the marketing investment management system supports/enables the entire products lifecycle (Paragraphs 0006, 0106, 0110; Table 1, Elements 1-2, 6, 8-9, 13-14) and includes a plurality of training and other instructional information as discussed above.

It would have been obvious to one skilled in the art at the time of the invention the system for automating transcription services, the system including a voice recognition/conversion subsystem, as taught by Kahn et al. would have marketed the product and utilized the marketing investment management system with its ability to manage a product's complete lifecycle from product positioning, branding, identifying an endorser, to managing the promotional and advertising campaigns in view of Zyman et al.; the resultant system being more capable of successfully developing and selling the system.

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Zyman et al. is silent on the inclusion of instructions on how to use the products (goods, services) being evaluated as part of the marketing investment management system.

Official notice is taken that a plurality of product information would be included in the assessment, planning, execution and evaluation of the marketing or potential marketing of a particular product including but not limited to information regarding the use (application, purpose, etc.) of the plurality of products being considered for without such information it would be more difficult to understand the products features, capabilities and the like.

It would have been obvious to one skilled in the art at the time of the invention the system for automating transcription services, the system including a voice recognition/conversion subsystem, as taught by Kahn et al. would have marketed the product and utilized the marketing investment management system in view Zyman et al.; the resultant system being more capable of successfully developing and selling the system.

Further it would have been obvious to one skilled in the art at the time of the invention that said system would include a plurality of relevant product information as part of its assessment of the marketing or potential marketing of the product (good, service, etc.) such information providing the necessary insight into the value or potential value and features of the product being considered.

Examiner Note

Examiner has cited particular sections, pages, and paragraphs or figures in the references applied to the claims for the convenience of the applicant. Although the specific citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Case, Eliot M., U.S. Patent No. 5,737,725, teaches a system and method for creating an audio message (voice file) through the concatenation of various audio messages.

- Case, Eliot M., U.S. Patent No. 5,758,323, teaches a system and method for a voice advertisement system wherein users can select to hear a plurality of voice messages (advertisements) wherein the voice messages are created through the concatenation of a plurality of existing audio messages.

- Kahn, Jonathan et al., U.S. Patent No. 6,490,558, teach a method and system for training a voice recognition/conversion system, the system having an adaptation

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(training, customization, personalization, initialization, etc.) module, wherein: sample data of a person is provided (pre-recorded audio); the persons pre-recorded audio (the sample data associated with the person) is loaded into the system (loaded, utilized, etc.); and using the sample data to adapt (train) the product to the person utilizing the adaptation of the product.

Kahn et al. further teach that the object of the voice recognition training system and method is to expedite the training of speech recognition systems. More specifically Kahn et al. teaches that IBM's Via Voice product does not have the ability to allow speech-to-text conversions of pre-recorded audio files but that the system can be configured in such a way as to overcome this shortcoming.

- Owen, Creston M., U.S. Patent No. 6,529,873, teaches a method and system for providing audio messages to systems, similar to music-on-hold systems. Owen further teaches the preparation of audio messages to be played over telecommunication systems wherein the user selects, among other options, "a particular voice from a database of voices" (female, male, famous, etc.) to be utilized for the audio message (promotion). Owen further teaches that the system and method provides text-to-speech capabilities.

- Kahn, Jonathan et al., U.S. Patent No. 6,704,709, teach a system and method for improving the accuracy of speech recognition systems through the utilization of pre-recorded audio files (training, adaptation). Kahn et al. further teaches that such a system is necessary to overcome users disinclination to utilize speech recognition software/product due to the significant amount of training time required.

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- Kanevsky et al., U.S. Patent No. 6,832,189, teach a method and system for adapting (training) a voice recognition/conversion system, the system having an adaptation module, utilizing pre-recorded audio files. Kanevsky et al. further teaches that the voice recognition training system further comprises a user database (speaker profile) and an automatic speech recognition (ASR) training server. Kanevsky et al. further teach the importance of training ASRs (i.e. inherent need to have/use adaptation), the two types of ASRs and a plurality of commercially available ASRs.

- O'Mahony, Sheila et al., The Impact of Celebrity Endorsements on Consumers, teach the widespread utilization of celebrity endorsements and the plurality of research and analysis into the impact of such endorsements on consumers.

- Agrawal, Jagdish et al., The Economic Worth of Celebrity Endorsers: An Event Study Analysis, teach the wide spread use and popularity, among marketing executives, of celebrity endorsements. Agrawal et al. further teach a plurality of research into nearly all aspects of celebrity endorsements.

- Ketcham, Steve, Celebrity endorsements are a thing of the past (and present), teach a plurality of reasons for promoting products via celebrity endorsements as well as the wide spread utilization of celebrity endorsements both in the present and in the past. Ketcham further teaches that endorsements maybe implicit or explicit as well as with and without consent of the celebrity.

- EPM Communications web pages teaches the availability, since 1977, of a listing (data store) of licenses available (people, products, etc.).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (703) 306-5679. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJ
3/22/2005


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